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# REPORT

ON THE

# ADMINISTRATION OF CIVIL JUSTICE

IN THE

# PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

# 1884.

Published by Authority.

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LAHORE: PRINTED BY W. BALL & Co.
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Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab in the Home (Judicial) Department, No. 628 S., dated 10th July 1885.

READ—

The Report on the Administration of Civil Justice in the Punjab for the year 1884.

REMARKS.—The close of the year 1884 witnessed the introduction of the scheme for reorganizing the Administration of the Province, and a considerable advance in the separation of Executive and Judicial functions which began ten years ago. Where necessary, legal effect was given to this measure by the new Punjab Courts Act, which came into force on 1st November 1884. Under its provisions the various Civil Courts have been reconstructed, and important modifications introduced into the appellate system. A concise and useful sketch of the principal changes is given in the opening paragraphs of the Report.

2. The result of these changes, which include the constitution of Revenue Courts, is that an exact comparison with the statistics of former years has become impracticable. Thus the total number of suits instituted during 1884 was 262,860 against 260,968 in the previous year, being an increase of 1,892, or less than 1 per cent.; but the figures for the year under review do not include certain classes of suits, which, since the introduction of Act XVIII of 1884, have to be tried by the Revenue and no longer by the Civil Courts.

3. Of the total number of suits instituted, 81 per cent. were "for money or moveables, which is almost the same proportion as in the two preceding years; while 39 per cent. are returned as suits by money-lenders against agriculturists, the figures for 1882 and 1883 being 40 and 38 per cent. respectively. In seven districts the percentage of such suits was 50 or upwards, Shahpur again heading the list with 71 per cent. Montgomery follows with 60 per cent., while in the neighbouring districts of Jhang and Mooltan the figures given are only 22 and 6 per cent. These details are, as the Judges point out, remarkable, and can scarcely be correct. It is no doubt impossible to frame such definitions of an "agriculturist" and a "money-lender" as would secure absolute uniformity in the classification of suits brought by the latter against the former; but the wide divergence between the statistics for Montgomery and Mooltan, assuming the figures to have been returned correctly, appears to indicate that had more attention been bestowed upon the preparation of the returns, greater precision might have been attained.

4. The average value of each suit has risen from Rs. 63 in 1883 to Rs 71; but these figures are not altogether a real criterion of the interests involved to the litigants, for, in the important class of suits for land assessed to revenue, the valuation is that accepted for purposes of stamp-duty, which is calculated on the revenue demand. This valuation is often not more than a quarter of the real market value. Suits for money or moveables not exceeding Rs. 100 in value made up 73 per cent. of the total litigation of the Province.

5. The figures regarding the disposal of original suits show very much the same results as in the previous year. Forty-six thousand six hundred and forty-six suits, or 17 per cent., were dismissed in default under Sections 97 and 98 of the Civil Procedure Code; and in 24 per cent. of the cases so dismissed application was made for restoration to the file, while 69 per cent. of such applications were successful. The number of fresh suits brought on claims so dismissed was only 342. These figures seem to show that in a large number of cases the non-appearance of the parties was due to the settlement of the case without the further intervention of the Court, and that the institution of the suit and issue of process sufficed to bring the defendant to terms. The average duration of cases, whether contested or uncontested, was slightly shorter than during the previous year, being 32 days in contested cases against 33 in 1883, and 20 days against 21 in 1883 in uncontested cases.

6. The Lieutenant-Governor notices with satisfaction the still further decrease in the number of decrees passed bearing interest, which is 1,983 against

3,088 during the previous year, and 4,435 in 1883. This result is probably due to the removal of the erroneous impression that appears to have prevailed, that when a rate of interest had been fixed by consent of the parties the Court was bound to decree accordingly. The number of such decrees, however, in some districts still continues to be large; thus Delhi contributes 551, or 28 per cent. of the whole number of decrees in which interest was allowed, and the number in Gurgaon is 232 In certain districts also the average rate of the interest allowed appears excessive, thus in Ferozepore, Kángra and Simla it is 14 per cent., and in Ludhiána and Siálkot 13, while in the last-named district an average of 12 per cent. was allowed on 4 decrees without an agreement between the parties. These figures show room for much improvement. The decree itself is, so far as the ability of the judgment-debtor to pay is concerned, a guarantee that he shall be compelled to satisfy the decree-holder's claim. The existence of this guarantee very much diminishes the original risk incurred by the creditor, and the rate of interest allowed should be proportionately reduced.

7 The figures regarding the distribution of the original Civil suits between the various Courts in the Province show that, owing to the increase to the staff of Munsiffs at the close of 1883, and the transfer of certain classes of cases to the Revenue Courts at the end of 1884, the number of Civil suits disposed of by Tahsíldárs and Náib-Tahsíldárs fell from 12·4 per cent. in 1883 to 11·5 during the year under review. It has recently been arranged that each Tahsíldár shall annually dispose of an average of 600 cases, Civil, Criminal and Revenue, but that his work shall, as far as possible, be confined to the two latter classes of cases, so that the proportion of Civil work performed by Tahsíldárs in future years will be very much diminished, 63·2 per cent of the total number of Civil suits were decided in the year under report by the Munsiffs, the average number of cases decided by each officer being 2,043. It has been found that 2,200 small causes per annum are a moderate amount of work for a Munsiff, and that, when necessary, the number may be raised to 2,500. The pecuniary limit of the Munsiff's jurisdiction has now been raised from Rs. 300 to Rs. 500, so that a larger proportion of the Civil business of the Province in future will be disposed of by this agency.

8 The details of the work performed by Honorary Civil Judges are very similar to those of the preceding year; and Sardár Ajít Singh is again conspicuous for having disposed of a large amount of the Civil litigation of the Amritsar District.

9. The total number of applications for execution of decrees rose from 197,505 to 202,832, and the number disposed of was 88 per cent of the whole number for disposal. The proportions of the different methods of disposal are very similar to those of the previous year: 31·4 per cent. were completely executed; 25 per cent. partially executed; 42 9 per cent wholly infructuous; and 0·7 transferred. The percentage of infructuous results is large and somewhat unsatisfactory; but there is little doubt that many execution proceedings are returned as infructuous, where in reality private arrangements have been made by the parties, but not brought to the notice of the Court. The provisions of Section 258 of the Code of Civil Procedure are, it is believed, very generally ignored by the rural population; decree-holders omit to certify payments or adjustments made out of Court, while judgment-debtors neglect to put in motion the machinery of the law to secure the due recording of such payments or adjustments. Sales of hereditary or joint-acquired property in land show a remarkable increase from 8 to 96; the explanation given is that many sales sanctioned in previous years were not effected until the year under report.

10. The number of suits instituted in the District Small Cause Courts differed but very slightly in the two years 1883 and 1884 The work as usual was heaviest in the Lahore Court, and during the year under review special measures were adopted to relieve the Judge of that Court by appointing the Registrar a Munsiff with limited Small Cause Court powers. These powers have been limited to small causes not exceeding Rs. 20; but so far it has not been

found necessary to entrust to him suits of higher value than Rs. 10. The work of the Cantonment Small Cause Courts has been steadily increasing during the last few years, and in 1884 was nearly 46 per cent. heavier than in 1880. The percentage of contested cases was, in 1884, 20, as compared with 30 in the District Small Cause Courts.

11. The total number of appeals instituted in Courts subordinate to the Chief Court has increased from 19,970 in 1883 to 21,536 in 1884, or by 8 per cent.; but it is difficult to institute a detailed comparison of the statistics for the two years, because, as has already been remarked, considerable modifications have, under the Punjab Courts Act of 1884, been introduced into the appellate system of the Province. The most noticeable facts are that in the year under report there has been a decrease of 1,103 appeals preferred in the District Appellate Courts, and an increase of 2,669 in the Divisional Courts, while the number of appeals pending in the latter Courts at the end of the year was no less than 4,760 against 1,688 in 1883. The Judges, however, point out that this was to be expected and that no inference as to the amount of Civil appellate work, which will eventually fall on the Divisional Courts, can be drawn from the figures of the last two months of 1884. The Commissioners and Additional Commissioners left the new benches a pending file of 2,373 cases; and to these were added appeals transferred from District Courts and the new institutions of the last two months of the year. Appeals in all revenue suits of the classes described in the Punjab Courts Act, instituted before the 1st November 1884, had to be made over to the Divisional Courts, who will not have appeals in cases of these classes instituted after that date, nor further appeals from appellate decisions of District Courts, such decisions being now final under Section 41 of the Act. The Lieutenant-Governor accordingly refrains from making any criticisms regarding the working of the new appellate system; at the same time he is aware that since the institutions in Divisional Courts have been regarded by the Judges as generally normal the Divisional Judges have not, as a fact, kept pace with the work; and he has therefore invited any suggestions that the Judges may think deserving the consideration of Government for expediting the despatch of the appellate work in the Divisional Courts of the Province.

12. The number of Civil appeals instituted in the Chief Court was slightly in excess of that for the previous year; and the provisions of the new Courts Act had an inappreciable effect during the last two months of 1884. Sir Charles Aitchison, however, is glad to observe that there has been a very marked decrease in the number of appeals from decrees instituted in the Chief Court since the close of the year under review, doubtless with a corresponding saving in the cost of litigation to the suitors having recourse to the Courts of Law.

13. In conclusion, the Lieutenant-Governor desires to thank the Judges for the effective control that they have exercised over the Subordinate Courts, and more especially for the valuable assistance they rendered to Government when the legislation modifying the administration of Civil Justice in the Province was being matured, and subsequently in connection with the various measures adopted for giving effect to the new provisions of the law.

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ORDER.—Ordered that a copy of the Review be furnished to the Registrar of the Chief Court for the information of the Judges and for circulation with the Report.

Ordered also that the Remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

C. L. TUPPER,

*Offg. Secretary to Government, Punjab.*

Punjab Govt. Press, Lahore.—20-7-85—370.

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No. 1861.

FROM

T. GORDON WALKER, ESQUIRE,

*Registrar, Chief Court, Punjab,*

TO

C. L. TUPPER, ESQUIRE,

*Officiating Secretary to Government, Punjab.*

*Dated Lahore, 4th June* 1885.

SIR,

I am directed by the Judges to submit the following Report on the Administration of Civil Justice in the Punjab during the year 1884.

Reorganization of the Judicial system of the Province.

2. The year under report is marked by the introduction of the scheme for reorganizing the Judicial Agency of the Province, and the new Courts Act (XVIII of 1884), measures which came into effect from November 1st 1884, and have considerably advanced the separation of the Judicial and Executive branches of the administration commenced in 1875. A sketch of the changes effected in the constitution of the Courts and in the Law may appropriately be given here.

The scheme of 1875 provided for the appointment of Munsiffs, as the lowest grade of Court, to relieve Tahsildars of original Civil work, and of Judicial Assistants and Extra Assistant Commissioners in most Districts to relieve Deputy Commissioners of the Civil appellate work. The appellate Court next above that of the Deputy Commissioner or Judicial Assistant was that of the Commissioner; and it had become necessary to appoint from time to time special officers to be Additional Commissioners, as the press of Judicial work in Commissioners' Courts became too great.

Changes in the Judicial Agency.

3. By the new scheme Commissioners have been relieved of all Civil and Criminal work, and the Districts of the Province (reduced from 32 to 31 by the abolition of Sirsa) redistributed into seven Civil Divisions, to six of which Benches of two Judges have been appointed, the seventh (Derajat) having a single Judge. In Districts where the work was very light, the Deputy Commissioner continues to hear appeals in Civil cases, being invested for this purpose with the powers of a District Judge under the new Act. These powers consist of (1) powers to hear appeals from subordinate Civil Courts, and (2) powers of controlling subordinate Civil Courts. In some of the remaining Districts a special officer has been appointed District Judge, and invested with powers of both sorts; while in the others the Deputy Commissioner retains the power of control (being called the District Judge), but is relieved of the appellate work by an officer (Subordinate Judge) invested with the appellate powers of a District Judge.

Changes in the Law.

4. The most important provisions of the new Punjab Courts Act (XVIII of 1884) are those relating to appeals. The District Courts of first instance are the Courts of the Munsiff (the pecuniary limit of whose powers is Rs. 1000), and of the Subordinate Judge (whose powers may be unlimited), and of Special Judges invested with the powers of a Munsiff or of a Subordinate Judge. The powers of a Munsiff have been subdivided into three classes, with pecuniary limits of Rs. 100, 500, and 1000; and those of a Subordinate Judge into two classes (up to Rs. 5,000 and above this without limit). Appeals in cases of the nature cognizable by a Small Cause Court up to Rs. 500 value, decided by a Munsiff or by a Special Judge invested with the powers of a Munsiff, lie to the District Judge, or to the officer

invested with the appellate powers of a District Judge; and the decision of the District Judge in such cases is final. All appeals in suits of which the value exceeds Rs. 5,000 lie direct to the Chief Court; and all other appeals from District Courts lie to the Divisional Courts.

When the value of a suit does not exceed Rs. 500 and a single Judge of a Divisional Court confirms the order of the Court of first instance, or a Divisional Bench reverses or modifies such order, there is no further appeal unless on a certificate given by a Divisional Judge to the effect that such an appeal should be allowed. Above the limit of Rs. 500 a further appeal to the Chief Court lies in every case from the decision of a Divisional Court.

It should also be noted that Chapter V of the new Act has created a separate jurisdiction, to be exercised in certain classes of cases, by which suits of the descriptions specified in Sec. 45 of the Act (Tenancy cases and certain suits regarding land revenue, &c.), instituted after November 1st 1884, are heard in the Revenue and not in the Civil Courts, and will be decided in due gradation by Tahsildars, Deputy Commissioners, Commissioners and the Financial Commssioner.

Necessity for the above account.

5. The brief account given in the last three paras. of the principal changes in the Judicial Agency and in the Law is necessary by way of explanation of the Returns and Report now submitted. Two sets of Returns have been prepared for Divisional Courts; and the District Returns show the work of the old Courts during the first ten, and of the newly constituted Courts during the last two months.

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## Part I.—ORIGINAL JURISDICTION.

### A.—Institution of Suits.

Number of suits instituted in the various grades of Courts.

6. The following statement shows the number of suits instituted in the various grades of Courts during each of the last five years :—

| Class of Court. | 1880. | 1881. | 1882. | 1883. | 1884. |
|---|---|---|---|---|---|
| Chief Court ... ... ... | 2 | 1 | 1 | 1 | 3 |
| Divisional Courts ... ... | ... | 4 | 3 | ... | 3 |
| District Courts of general jurisdiction | 237,921 | 236,069 | 236,147 | 239,814 | 241,197 |
| District Small Cause Courts ... | 12,497 | 12,438 | 12,942 | 13,537 | 13,825 |
| Cantonment Small Cause Courts ... | 5,595 | 6,178 | 6,959 | 7,616 | 7,832 |
| Total ... | 256,015 | 254,690 | 256,052 | 260,968 | 262,860 |

There has thus been an increase in the number of institutions of 1872, or less than 1 per cent. As has been noted in para. 4, in consequence of the change introduced by Sec. 45 of the new Courts Act (XVIII of 1884), certain classes of suits have been instituted since November 1st 1884 in the Revenue instead of, as heretofore, in the Civil Courts. This point will be noticed in greater detail in the next section; but the change should be borne in mind in comparing the total number of institutions of 1884 with those of previous years.

7. In only six Districts do the returns show a variation in the number of institutions which exceeds 10 per cent; and these are noted in the margin.

Fluctuations in various Districts.

| District. | 1883. | 1884. | + P. C. |
|---|---|---|---|
| Muzaffargarh ... | 5,852 | 7,442 | + 27 |
| D. I. Khan ... | 6,172 | 6,963 | + 13 |
| Bannu ... | 7,025 | 5,473 | — 22 |
| D. G. Khan ... | 7,924 | 6,794 | — 14 |
| Jhang ... | 5,283 | 4,653 | — 12 |
| Sirsa ... | 2,621 | 2,319 | — 11 |

The District Judge of Muzaffargarh gives the following explanation of the large increase in the civil litigation of his District; but states that he is not satisfied with it. Trade is said to be languishing, with the result of forcing creditors to go into Court. At the close of 1882 a Munsiff's Court was established, and this ought to have been followed by an immediate increase in civil litigation, but the Deputy Commissioner of the time (Mr. Gladstone), taking up the cause of agricultural debtors, attempted an adjustment of their accounts through the Tahsildars. This adjustment appears to have been accepted for a time by the creditors, but the result has been "a redoubled current of pent-up litigation" in 1884. The increase has taken place almost entirely under the heads of suits "on unregistered bonds" and "on account stated." The number of institutions in 1882 was 5,922.

The Divisional Judge Derajat remarks that "the transfer of the Marwat Tahsil from the Bannu to the Dera Ismail Khan District under the Reorganization scheme explains a part of the fluctuations in these Districts;" and no other account is given of the increase in the latter District, although the change can affect the returns of the last two months only. It should be explained that the Civil District of Dera Ismail Khan has been extended so as to include the Marwat portion of the Bannu Administrative District, the only instance in which the boundaries of Districts for the purposes of civil and of general administration are not the same.

A great rise in the number of institutions in Bannu was the subject of remark in para. 6 of the Report for 1883 and para. 3 of the Review. It was explained that, owing to the Munsiff's refusing to receive more than a certain number of plaints on his monthly visits to Lakhi, a restriction that was removed early in 1883, a large number of suits which would otherwise have been instituted in 1882 came into the following year. This explanation will account for the greater part of the decrease in institutions during 1884. The figures of the last three years are :—

| | |
|---|---|
| 1882 ... ... | 4,942 |
| 1883 ... ... | 7,025 |
| 1884 ... ... | 5,473 |

those of 1882 being, for the reasons given, less then they ought to have been.

The decrease in Dera Ghazi Khan is attributed to a bumper harvest, the result of plentiful rains and good canal management: and that in Jhang, to greater prosperity of the small debtors." The decrease in both Districts occurs principally in suits on bonds, registered and unregistered.

The Sirsa returns are only for ten months, as the District was abolished from November 1st.

In the Districts which contribute the great bulk of the civil litigation of the Province the differences between the figures of 1883 and 1884 are trifling.

## B.—Classification of Suits.

8. The following statement gives, in the same form as in the Reports of previous years, the substance of the classification adopted in Statement No. 2 appended to this Report:—

| | Description of Suits. | 1882 | 1883 | 1884 |
|---|---|---|---|---|
| I. Suits for money or moveables. | On registered bonds ... ... ... | 4,132 | 3,567 | 3,828 |
| | On unregistered bonds ... ... ... | 86,617 | 87,821 | 86,046 |
| | Otherwise than on bonds ... ... ... | 96,173 | 101,120 | 102,300 |
| | For rent other than of land ... ... | 2,984 | 2,859 | 3,306 |
| | For moveable property or value thereof ... | 16,624 | 13,410 | 13,500 |
| | For damages ... ... ... ... | 1,291 | 3,230 | 1,967 |
| | Other suits ... ... ... ... | 1,671 | 1,888 | 2,350 |
| | Total ... | 209,492<br>82 p. c. | 213,895<br>82 p. c. | 213,297<br>81 p. c. |
| II. Rent suits and suits under the Punjab Tenancy Act. | For arrears of rent ... ... ... | 7,160 | 7,455 | 7,587 |
| | To establish or contest rights of occupancy ... | 1,151 | 856 | 1,062 |
| | For enhancement or abatement of rent ... | 821 | 1,216 | 696 |
| | Connected with ejectment... ... ... | 1,579 | 1,717 | 2,078 |
| | Other suits ... ... ... ... | 376 | 443 | 666 |
| | Total ... | 11,087<br>4 p. c. | 11,687<br>5 p. c. | 12,089<br>5 p. c. |
| III. Other suits. | For immoveable property ... ... ... | 21,169 | 21,471 | 23,109 |
| | For a declaration of right ... ... ... | 2,024 | 1,990 | 2,364 |
| | For specific performance ... ... ... | 214 | 236 | 218 |
| | Relating to betrothals, marriage, divorce and dower, | 4,972 | 4,815 | 5,541 |
| | For or relating to partition ... ... | 260 | 191 | 178 |
| | Relating to revenue ... ... ... | 4,637 | 5,014 | 4,812 |
| | Other suits ... ... ... ... | 2,197 | 1,669 | 1,252 |
| | Total ... | 35,473 | 35,386 | 37,474 |
| | | 14 p. c. | 13 p. c. | 14 p. c. |
| | Grand Total ... | 256,052 | 260,968 | 262,860 |

9. The number of suits returned under class I. "for money or moveables" is almost exactly the same as in 1883; and the proportion of these suits to the whole number instituted is 81 per cent, almost the same as in the two preceding years. The variations under the minor heads are not remarkable; and the accuracy of the returns is not so reliable as to give much value to a detailed comparison of the figures, even if it were necessary to explain the differences. Suits for "damages" are shown as having decreased

1. Suits for money or moveables.

from 3,230 to 1,967, principally in the four Districts noted in the margin. These remarkable fluctuations are not accounted for; but they are clearly due to differences of classification.

| District. | 1883. | 1884. |
|---|---|---|
| Umballa ... ... | 414 | 56 |
| Lahore ... ... | 301 | 70 |
| Gujranwala ... ... | 369 | 26 |
| Gujrat ... ... | 285 | 51 |

The following abstract shows the proportions in which suits under this first head were distributed amongst the different denominations of Courts in each of the past three years :—

| | *Percentage.* | | |
|---|---|---|---|
| | 1882 | 1883. | 1884 |
| Superior Courts of general jurisdiction ... | 13 | 11 | 9 |
| Small Cause Courts ... ... ... | 10 | 10 | 10 |
| Tahsildars' Courts ... ... ... | 7 | 6 | 5 |
| Naib-Tahsildars' Courts ... ... | 3 | 1 | 1 |
| Munsiffs' Courts ... ... ... | 62 | 68 | 71 |
| Honorary Courts ... ... ... | 5 | 4 | 4 |

Thus only 6 per cent. of suits of the nature cognizable by a Small Cause Court were instituted in the Courts of Tahsildars and Naib-Tahsildars; while 81 per cent. of them went to the Courts of Munsiffs and Small Cause Courts. The returns show the proportion of such suits instituted in Munsiffs' Courts to have increased from 62 per cent. in 1882, to 68 per cent. in 1883, and to 71 per cent. in 1884.

II. Rent suits and suits under the Punjab Tenancy Act.

10. The number of institutions under the second class "Rent suits and suits under the Punjab Tenancy Act," is greater than in 1883, although almost all such suits instituted since November 1st must have gone to the Revenue Courts under Section 45 of the new Courts Act. Were it not for this change the increase must have been greater. But for the operation of Section 54 of the Act, which gives the Revenue Courts the power of referring parties to the Civil Court, this heading might be removed from the returns of future years. The decrease in enhancement suits is not wholly due to the above cause, and is satisfactory. There has been a considerable increase in the number of ejectment cases (1,717 to 2,078). This occurs principally in the Ferozepur District (1883—318 and 1884—675), where it is attributed to the approach of Settlement operations.

The distribution of the suits falling under this head between the different grades of Civil Courts was as follows :—

| | *Percentage.* | | |
|---|---|---|---|
| | 1882 | 1883 | 1884 |
| Superior Courts of general jurisdiction ... | 26 | 20 | 21·3 |
| Tahsildars' Courts ... ... ... | 44 | 50 | 48·3 |
| Naib-Tahsildars' Courts ... ... | 3 | 2 | 0·4 |
| Munsiffs' Courts ... ... ... | 25 | 26 | 29·0 |
| Honorary Courts ... ... ... | 2 | 2 | 1·0 |

The increased proportion taken up by Munsiffs is scarcely satisfactory; but if the number of suits instituted during the last two months of 1884, under Section 45 of the new Courts Act (which have all gone to the Tahsildars and superior Revenue Courts) were to be added to the figures of the Civil Courts, the percentages might be considerably altered.

III. Other Suits.

11. The details under the third class of "Other suits" do not call for remark. The variations are slight, and this may be taken as indicating that a greater degree of accuracy in classification has been attained. The decrease in the sub-head "other suits" is merely the result of its having been found possible to include more suits under the preceding descriptions. Some of the suits under this class also must have gone to the Revenue Courts during the last two months of the year, and will be heard by them in future, *e. g.* those entered in columns 37, 50, 51 of Statement No. 2 in the Appendix.

Suits falling under class III were distributed between the Courts as follows:—

| | Percentage | | |
|---|---|---|---|
| | 1882 | 1883 | 1884 |
| Sadr Courts of general jurisdiction ... | 41 | 36 | 34 |
| Tahsildars' Courts ... | 29 | 31 | 29 |
| Naib Tahsildars' Courts ... | 2 | 1 | .. |
| Munsiffs' Courts ... | 26 | 29 | 35 |
| Honorary Courts ... | 2 | 3 | 2 |

This distribution calls for no remark.

Suits by money-lenders against agriculturists.

12. In para 12 of last year's Report a statement was given showing the number and percentage of suits for money which were classed in the returns since 1876 as brought by money-lenders against agriculturists. The number shown is 1884 is 103,101, or 39 per cent of the whole number of suits instituted, the figures for 1883 being 98,411 and 38 per cent, and for 1882, 102,506 and 40 per cent. As pointed out in the Report of last year, it is impossible to give such definitions of a money-lender on the one hand, and of an agriculturist on the other, as would prevent the officials who in the first instance collect the statistics from making mistakes. In some parts of the Province men of the agricultural class have taken to money-lending business in addition to their hereditary occupation ; while on the other hand, men of the mercantile class have in many places become land-owners, without ceasing to be money-lenders. Where the plaintiff in a suit is actually engaged in the business of money-lending, the suit should be returned under this head, whatever his original or hereditary occupation may have been, and although he may combine agriculture with such business. But even with this definition it would probably be necessary, in order to insure the correctness of the classification, that the Court which hears the suit should itself decide whether it ought to be classed as brought by a money-lender against an agriculturist, or very clear general instructions on this point should be given to the responsible official.

In the following Districts the percentage of such suits was 50 or upwards:—

| | | |
|---|---|---|
| Shahpur ... ... | 71 | per cent. |
| Montgomery ... ... | 60 | „ |
| Sialkot ... ... | 53 | „ |
| Hoshiarpur ... ... | 51 | „ |
| Gujranwala ... ... | 51 | „ |
| Gujrat ... ... | 50 | „ |
| D. I. Khan ... ... | 50 | „ |

The details for the following three Districts, which adjoin each other, are remarkable, and can scarcely be correct :—

| | | |
|---|---|---|
| Mooltan ... ... | 6 | per cent. |
| Jhang ... ... | 22 | „ |
| Montgomery ... ... | 60 | „ |

Inquiry will be made as to these last figures.

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## C.—Value of suits.

Value of suits instituted.

13. Of the whole number of suits instituted 257,406, or 97·9 per cent., were capable of a determinate money valuation. The aggregate value of these amounted to Rs. 1,82,89,120, giving an average of Rs. 71 for each suit, as compared with Rs. 63 in 1883, and Rs. 64 in 1882.

The following is an abstract from Statement No. 3 of the number and value, and of the average value of these suits, under each of the four classes into which they are distributed :—

| Class. | No. of suits. | Value. | Average value |
|---|---|---|---|
| | | Rs. | Rs. A. P |
| (1) For money or moveable property ... ... | 213,297 | 1,31,48,016 | 61 9 6 |
| (2) For land assessed or subject to assessment ... | 19,259 | 18,21,940 | 94 9 8 |
| (3) For other immoveable property ... ... ... | 8,797 | 22,31,882 | 253 10 5 |
| (4) Other suits ... ... ... ... ... ... | 16,053 | 10,87,782 | 67 12 2 |

The valuation of (2) is that accepted for purposes of stamp duty, and is calculated on the revenue demand. In most parts of the Province this is probably not more than 20 or 30 per cent. of the real market value. The average value of (1)—suits for money or moveable property—was Rs. 61-9, the figures for 1883 and 1882 being Rs. 57 and Rs. 58.

Distribution of suits according to value.

14. The following table gives further details of the distribution according to value of the suits of each of the four classes :—

| No. | Class. | | Not exceeding Rs. 100 in value. | Not exceeding Rs. 500 in value but exceeding Rs. 100. | Exceeding Rs. 500 in value. | Total |
|---|---|---|---|---|---|---|
| 1 | Suits for money or moveable property | No. | 188,362 | 22,672 | 2,263 | 213,297 |
| | | p. cent. | 88 | 11 | 1 | 100 |
| 2 | Suits for land assessed or subject to assessment ... ... ... ... | No. | 16,096 | 2,765 | 398 | 19,259 |
| | | p. cent. | 84 | 14 | 2 | 100 |
| 3 | Suits for other immoveable property | No. | 7,246 | 1,345 | 206 | 8,797 |
| | | p. cent. | 83 | 15 | 2 | 100 |
| 4 | Other suits ... ... ... ... | No. | 14,326 | 1,569 | 158 | 16,053 |
| | | p. cent. | 89 | 10 | 1 | 100 |

Suits of which the value cannot be fixed have been excluded from this and the statement in the last paragraph. From the table in para 8 it will be seen that the proportions of each of the above classes to the whole number of the suits instituted were—

| Class. | 1 | 2 | 3 | 4 |
|---|---|---|---|---|
| Per cent ... | 83 | 7 | 4 | 6 |

So that suits for money or moveables not exceeding Rs. 100 in value made up about 73 per cent. of the whole number of suits instituted in the Province ; and the same class of suits not exceeding Rs. 500 made up about 82 per cent.

"Value and cost of suits disposed of in 1884.

15. The annexed statement shows in the usual form the aggregate and average value and cost, with the proportion of cost to value, of the suits disposed of in 1884, the totals for 1883 being added for purposes of comparison :—

| Valuation of suits. | Number of suits. | | Aggregate value of suits. | | Aggregate cost of suits. | | Average value of suits. | | Average cost of suits. | | Percentage of cost to value. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | For money or moveable property. | Other suits. | For money or moveable property. | Other suits. | For money or moveable property. | Other suits. | For money or moveable property. | Other suits. | For money or moveable property. | Other suits. | For money or moveable property. | Other suits. |
| | | | Rs. | Rs. | Rs. | Rs. | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. | | |
| Not exceeding Rs. 10 | 57,289 | 12,611 | 3,74,363 | 77,823 | 68,488 | 22,123 | 6 8 7 | 6 2 9 | 1 3 1 | 1 12 1 | 18 | 28 |
| ,, ,, 50 | 98,597 | 16,209 | 25,82,836 | 4,94,917 | 2,92,228 | 70,138 | 26 3 1 | 30 8 6 | 2 15 5 | 4 5 3 | 11 | 14 |
| ,, ,, 100 | 30,398 | 6,613 | 21,46,587 | 4,89,080 | 2,19,689 | 62,217 | 70 9 10 | 73 15 4 | 7 3 8 | 9 6 6 | 10 | 13 |
| ,, ,, 300 | 19,581 | 4,386 | 31,93,744 | 7,30,819 | 2,97,541 | 79,654 | 163 1 8 | 166 10 0 | 15 3 1 | 18 2 7 | 9 | 11 |
| ,, ,, 500 | 3,104 | 1,049 | 11,23,431 | 3,99,759 | 1,08,041 | 43,664 | 361 14 11 | 381 1 4 | 34 12 11 | 41 10 0 | 10 | 11 |
| ,, ,, 1,000 | 1,415 | 482 | 9,84,070 | 3,42,177 | 92,352 | 37,469 | 695 7 3 | 709 1 4 | 65 3 5 | 77 11 9 | 9 | 11 |
| ,, ,, 5,000 | 620 | 196 | 12,52,098 | 4,49,265 | 1,06,334 | 36,886 | 2,019 8 2 | 2,292 2 8 | 171 8 1 | 188 3 1 | 8 | 8 |
| ,, ,, 10,000 | 50 | 19 | 3,37,813 | 1,35,383 | 29,297 | 10,955 | 6,756 4 2 | 7,125 6 8 | 585 15 0 | 576 9 3 | 9 | 8 |
| ,, ,, 1,00,000 | 25 | 6 | 6,82,945 | 1,12,925 | 28,616 | 14,805 | 27,317 12 9 | 18,820 13 4 | 1,144 10 4 | 2,467 8 0 | 4 | 13 |
| Exceeding 1,00,000 | ... | 1 | ... | 1,50,000 | ... | 1,751 | ... ... ... | 1,50,000 0 0 | ... ... ... | 1,751 0 0 | ... | 1 |
| Total ... 1884 | 211,079 | 41,572 | 1,26,77,887 | 33,82,148 | 12,42,586 | 3,79,662 | 60 1 0 | 81 5 8 | 5 14 4 | 9 2 1 | 10 | 11 |
| Total ... 1883 | 213,657 | 43,823 | 1,27,75,372 | 35,68,842 | 12,91,083 | 3,91,753 | 59 12 11 | 81 7 0 | 6 0 8 | 8 15 3 | 10 | 11 |
| Suits of which the value cannot be fixed ... 1884 | ... | 5,381 | ... | ... | ... | 67,983 | ... ... ... | ... ... ... | ... ... ... | 12 10 1 | ... | ... |
| Suits of which the value cannot be fixed ... 1883 | ... | 5,047 | ... | ... | ... | 62,821 | ... ... ... | ... ... ... | ... ... ... | 12 7 1 | ... | ... |
| Grand Total ... 1884 | 211,079 | 46,953 | 1,26,77,887 | 33,82,148 | 12,42,586 | 4,47,645 | ... ... ... | ... ... ... | ... ... ... | 9 8 6 | ... | ... |
| Grand Total ... 1883 | 213,657 | 48,870 | 1,27,75,372 | 35,68,842 | 12,91,083 | 4,54,574 | ... ... ... | ... ... ... | ... ... ... | 9 4 8 | ... | ... |

Re-admitted and transferred cases have been excluded from this statement.

In the above suits have been divided into only two classes. For the first of these only, *viz:* "suits for money or moveables" is the valuation true; and for this class the proportion of cost to value has been in both years the same, *viz:* 10 per cent. This percentage does not of course represent the whole expenses of litigation, but only the authorized and recoverable charges.

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## D.—Disposal of Original Suits.

Abstract of the original Civil work of the Courts.

16. In the Chief Court there were 3, and in the Divisional Courts 3, original suits for disposal; and of these only the former were decided. The following abstract shows the number of original suits for disposal and disposed of during the year, and the pending file in District Courts :—

| Year. | For disposal (instituted and re-admitted). | Disposed of. | Pending. |
|---|---|---|---|
| 1883 ... | 288,770 | 272,601 | 16,169 |
| 1884 ... | 290,723 | 271,375 | 19,348 |
| Difference + | + 1,953 | - 1,226 | + 3,179 |

Details of the manner of disposal.

17. The following is a statement for the whole Province of the manner of disposal of the original Civil suits decided during each of the last three years :—

| | 1882 | 1883 | 1884 |
|---|---|---|---|
| Without trial ... ... ... | 19·3 | 19·4 | 18·5 |
| „ contest ... ... ... | 48·7 | 47·9 | 48·5 |
| On reference to arbitration ... ... | 1·3 | 1·4 | 1·1 |
| After contest ... for plaintiff ... | 21·7 | 22·2 | 22·9 |
| After contest ... for defendant ... | 9·0 | 9·1 | 9·0 |

The proportion of contested cases was almost exactly the same (31 per cent.) in 1883 and 1884.

Details of disposal for Districts.

18. The annexed table gives for each District separately the manner of disposal, and the average duration for the last two years :—

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Percentage of cases. | | | | | | | | | | | | | | | | | | Average duration. | | | |
| District. | Dismissed on default. | | Withdrawn with leave, Sec. 373, C. P. Code. | | Compromised. | | Decreed on confession. | | Decreed or dismissed *ex-parte*. | | Referred to arbitration. | | Contested and decided in favor of plaintiff. | | Contested and decided in favor of defendant. | | Percentage of contested cases decided in favor of plaintiff to the number contested. | | In contested cases. | | In uncontested cases. | |
| | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. | 1883. | 1884. |
| Delhi ... | 9 | 10 | 0·8 | 0·7 | 28 | 25 | 16 | 18 | 9 | 11 | 1 | 0·5 | 26 | 24 | 10 | 10 | 72 | 70 | 35 | 32 | 17 | 18 |
| Gurgaon ... | 17 | 15 | 1·7 | 0·5 | 25 | 22 | 14 | 22 | 7 | 10 | 1 | 1 | 21 | 20 | 9 | 8 | 69 | 72 | 25 | 29 | 18 | 16 |
| Karnal ... | 15 | 14 | 0·5 | 0·7 | 16 | 17 | 28 | 30 | 8 | 8 | 1·6 | 2 | 18 | 17 | 12 | 10 | 61 | 64 | 31 | 38 | 17 | 18 |
| Hissar ... | 17 | 17 | 1·4 | 1·1 | 33 | 27 | 15 | 17 | 9 | 11 | 2 | 1 | 13 | 15 | 9 | 10 | 58 | 62 | 38 | 40 | 22 | 24 |
| Rohtak ... | 11 | 12 | 1·1 | 0·9 | 31 | 19 | 20 | 31 | 5 | 9 | 0·5 | 0·6 | 22 | 19 | 9 | 6 | 71 | 75 | 41 | 46 | 20 | 25 |
| Sirsa ... | 18 | 13 | 1·2 | 1·0 | 15 | 16 | 16 | 10 | 8 | 10 | 1·5 | 0·8 | 25 | 29 | 13 | 17 | 65 | 64 | 44 | 37 | 29 | 45 |
| Umballa ... | 14 | 15 | 0·8 | 0·9 | 34 | 30 | 10 | 12 | 9 | 12 | 1·1 | 0·7 | 21 | 19 | 9 | 9 | 70 | 68 | 27 | 29 | 19 | 18 |
| Ludhiana ... | 13 | 15 | 0·9 | 0·9 | 27 | 26 | 14 | 16 | 4 | 5 | 1·2 | 1·1 | 24 | 22 | 14 | 12 | 63 | 69 | 43 | 41 | 22 | 23 |
| Simla ... | 20 | 14 | 1·3 | 1·2 | 11 | 11 | 20 | 16 | 24 | 26 | 3 | 0·8 | 15 | 20 | 5 | 9 | 76 | 70 | 39 | 33 | 27 | 28 |
| Jullundur ... | 16 | 13 | 0·8 | 0·4 | 24 | 24 | 16 | 19 | 9 | 11 | 1·2 | 0·8 | 23 | 23 | 8 | 8 | 74 | 73 | 33 | 31 | 19 | 17 |
| Hoshiarpur | 20 | 16 | 0·6 | 1·0 | 16 | 16 | 21 | 22 | 7 | 10 | 0·7 | 0·9 | 24 | 24 | 10 | 9 | 71 | 71 | 33 | 34 | 22 | 24 |
| Kangra ... | 14 | 16 | 0·4 | 1·9 | 26 | 20 | 13 | 14 | 6 | 7 | 1·6 | 1·2 | 27 | 29 | 11 | 11 | 72 | 71 | 32 | 33 | 21 | 21 |
| Amritsar ... | 22 | 20 | 0·7 | 0·9 | 15 | 16 | 21 | 21 | 10 | 11 | 0·7 | 0·6 | 21 | 21 | 9 | 9 | 70 | 70 | 34 | 52 | 23 | 25 |
| Gurdaspur | 18 | 20 | 0·4 | 0·4 | 21 | 18 | 19 | 16 | 7 | 8 | 0·9 | 0·5 | 23 | 27 | 10 | 9 | 70 | 75 | 31 | 28 | 21 | 23 |
| Sialkot ... | 20 | 20 | 0·4 | 0·3 | 17 | 16 | 15 | 16 | 8 | 8 | 1·5 | 0·9 | 28 | 29 | 10 | 9 | 74 | 76 | 32 | 34 | 21 | 22 |
| Lahore ... | 15 | 16 | 0·7 | 0·6 | 24 | 21 | 19 | 21 | 10 | 10 | 1 | 0·8 | 22 | 22 | 7 | 8 | 75 | 73 | 22 | 20 | 16 | 15 |
| Gujranwala | 25 | 22 | 0·1 | 0·1 | 22 | 21 | 20 | 20 | 11 | 12 | 1·2 | 0·9 | 14 | 16 | 6 | 6 | 69 | 73 | 46 | 44 | 24 | 24 |
| Ferozepore | 19 | 15 | 0·5 | 1·2 | 21 | 21 | 13 | 15 | 11 | 12 | 0·8 | 0·8 | 23 | 21 | 11 | 11 | 67 | 64 | 28 | 33 | 16 | 18 |
| Rawalpindi | 18 | 19 | 0·5 | 0·2 | 12 | 13 | 21 | 18 | 16 | 13 | 2·3 | 1·7 | 22 | 25 | 8 | 9 | 74 | 74 | 25 | 34 | 26 | 23 |
| Jhelum ... | 20 | 15 | 0·8 | 0·5 | 24 | 27 | 12 | 12 | 10 | 11 | 1·2 | 1·5 | 23 | 23 | 8 | 9 | 73 | 71 | 31 | 25 | 24 | 18 |
| Gujrat ... | 19 | 16 | 0·3 | 0·2 | 24 | 25 | 14 | 13 | 7 | 9 | 1·4 | 0·8 | 23 | 25 | 10 | 11 | 69 | 69 | 38 | 39 | 22 | 23 |
| Shahpur ... | 25 | 23 | 0·8 | 0·5 | 18 | 17 | 19 | 19 | 10 | 10 | 2·9 | 1·6 | 17 | 20 | 7 | 7 | 74 | 75 | 36 | 38 | 28 | 33 |
| Mooltan ... | 28 | 29 | 0·5 | 0·7 | 16 | 15 | 19 | 16 | 11 | 12 | 1·7 | 1·6 | 16 | 18 | 8 | 7 | 68 | 73 | 71 | 22 | 10 | 15 |
| Jhang ... | 25 | 30 | 2·7 | 1·0 | 27 | 23 | 8 | 10 | 13 | 12 | 0·6 | 1·1 | 16 | 15 | 6 | 7 | 72 | 69 | 58 | 36 | 18 | 26 |
| Montgomery | 17 | 18 | 0·7 | 1·3 | 35 | 34 | 8 | 11 | 15 | 15 | 1·3 | 0·8 | 18 | 14 | 5 | 5 | 78 | 72 | 26 | 30 | 17 | 18 |
| Muzaffargarh | 25 | 25 | 0·2 | 0·2 | 22 | 23 | 19 | 19 | 10 | 11 | 1 | 0·9 | 13 | 16 | 5 | 5 | 73 | 74 | 53 | 33 | 35 | 20 |
| Dera I. Khan | 14 | 15 | 2·5 | 1·2 | 35 | 35 | 11 | 7 | 12 | 12 | 1·7 | 1·1 | 17 | 21 | 7 | 7 | 73 | 75 | 21 | 25 | 18 | 18 |
| Dera G. Khan | 15 | 14 | 1·7 | 0·4 | 19 | 22 | 18 | 15 | 10 | 11 | 2 | 1·8 | 28 | 29 | 6 | 7 | 84 | 83 | 21 | 22 | 13 | 18 |
| Bannu ... | 15 | 10 | 0·8 | 1·9 | 27 | 25 | 9 | 9 | 13 | 12 | 2·5 | 2·1 | 23 | 28 | 9 | 12 | 72 | 70 | 55 | 38 | 50 | 29 |
| Peshawar ... | 16 | 12 | 1·8 | 1·2 | 15 | 17 | 12 | 16 | 11 | 13 | 2 | 1·9 | 29 | 26 | 13 | 12 | 68 | 68 | 22 | 26 | 16 | 15 |
| Hazara ... | 14 | 11 | 1 | 0·9 | 18 | 14 | 13 | 17 | 5 | 6 | 2·4 | 1·7 | 33 | 34 | 13 | 15 | 72 | 70 | 16 | 14 | 13 | 13 |
| Kohat ... | 13 | 9 | 1 | 0·5 | 14 | 14 | 22 | 22 | 11 | 12 | 2 | 1·9 | 27 | 31 | 10 | 9 | 73 | 77 | 22 | 19 | 21 | 23 |
| Total ... | 18 | 17 | 1 | 0·6 | 22 | 21 | 16 | 17 | 10 | 11 | 1 | 1 | 22 | 23 | 9 | 9 | 71 | 72 | 38 | 32 | 21 | 20 |

The above results will now be examined in detail.

Dismissals on default.

19. The number of suits dismissed on default under Sections 97 and 98 was 46,646 in 1884 and 45,382 in 1883, the percentage being really the same in both years (17 per cent). Suits dismissed *ex-parte* (under Section 102) have hitherto been included with dismissals for default; but have now been put in their proper place under *ex-parte* proceedings, and this will account for the apparent decrease in column 3 and the increase in column 11 as compared with the figures of 1883, in which the alteration has not been made. In 24 per cent of the cases dismissed under Sections 97 and 98 application was made for restoration to the file, and 69 per cent. of such applications were successful, the figures for 1883 being 22 per cent. and 72 per cent. respectively. The number of fresh suits brought on claims dismissed under Sections 97 and 98 was 342 in 1884, and 376 in 1883. The percentage of dismissals for default was highest in the following Districts:—

| District. | Per cent. of dismissals for default. | Per cent. of applications for re-admission to dismissals. |
|---|---|---|
| Jhang ... ... ... | 30 | 15 |
| Mooltan ... ... ... | 29 | 10 |
| Muzaffargarh ... ... | 25 | 18 |
| Shahpur ... ... ... | 23 | 27 |
| Gujranwala ... | 22 | 22 |

These Districts were mentioned, though in different order, as having the highest proportions in 1883 also. In all of them except Shahpur the percentage of applications for re-admission is below the Provincial average, and in the first three it is very low, from which it may be inferred that in these three Districts the institution of a suit by the plaintiff and the issue of process were, for most of the cases dismissed, sufficient to bring the defendant to terms without further intervention of the Court.

Looking next to the proportion of applications for re-admission to the number of suits dismissed under Sections 97 and 98, we find in Ludhiana the extraordinary result that with 1,407 dismissals there were 1,254 such applications, or 89 per cent, 538 of the applications being successful. Inquiry has been made from the District Judge, and he reports that the figures are correct; but more detailed information will be called for. Next to Ludhiana in this respect comes (*sed longo intervallo*) Jullunder with 2,090 dismissals and 749 (36 per cent) applications for re-admission, of which 484 were successful. The figures for the remaining Districts do not call for remark.

Withdrawal, compromise and confession.

20. The proportions of suits withdrawn, compromised, and decreed on confession are much the same as in the preceding year. The distinction between the last two methods of disposal ("compromised" includes all cases in which anything less than the full amount claimed is decreed) is probably not observed very carefully, so that it is useless to remark on the variations in cols. 6-9 of the statement in para. 18.

Cases decided ex-parte.

21. The percentage of *ex-parte* decisions is 11 as against 10 in 1883, and 9 in 1882; but the increased proportion of 1884 over that of 1883 is only apparent, for the reasons given in para. 19, suits *dismissed ex-parte* being now included here for the first time.

Simla is, as usual, far ahead of other districts in the proportions of *ex-parte* decisions (26 per cent.), Montgomery coming next with 15 per cent. The variations are not such as to call for detailed remark.

Of the whole number of *ex-parte* decisions decree was given in favor of the plaintiff in 26,417: and in 2,671 in favor of the defendant. In 12·4 per cent. of the former application was made to set aside the *ex-parte* decree, and 60 per cent. of such applications were successful, the figures for 1883 being (13 and 62). In the Simla district the proportion of applications was only 3 per cent. In none of the other districts was it so high as to require comment, the percentage being everywhere much the same.

References to arbitration

22. References to arbitration decreased from 3,878 to 3,127, the percentage on the total of decisions being slightly over 1. In 30 cases (against 47 in 1883) the award was set aside. The greatest number of references took place in Rawalpindi (286 or 1·7 per cent. of the total number of decisions), Sialkot with 182 coming next.

Contested suits.

31 in both years.

| | |
|---|---|
| Hazara ... ... | 49 |
| Sirsa ... ... | 46 |
| Kangra, Kohat, Bannu | 40 |

23. The percentage of contested to decided suits was highest in the Districts noted in the margin; and lowest in Montgomery (19), and Muzaffargarh (21). The percentages for 1884 do not differ materially for individual districts from those for 1883.

Of contested cases 72 per cent. were decided in favor of the plaintiff, as against 71 in 1883; and the proportion ranged from 64 in Ferozepore to 83 in Dera Ghazi Khan.

Commissions.

24. The annexed statement gives information regarding the commissions issued by the Civil Courts during 1884 and the preceding year:—

| Year. | For local investigation. | | | | For examination of accounts. | | | |
|---|---|---|---|---|---|---|---|---|
| | To a revenue official. | To any other person. | Total. | Average cost. | To a revenue official. | To any other person. | Total. | Average cost. |
| | | | | Rs. A. P. | | | | Rs. A. P. |
| 1883 ... | 971 | 2,521 | 3,492 | 3 14 0 | 134 | 2,171 | 2,305 | 2 12 6 |
| 1884 ... | 843 | 2,506 | 3,349 | 3 9 3 | 114 | 2,114 | 2,228 | 3 8 6 |

The total number of commissions issued has fallen from 6,227 in 1882 to 5,797 in 1883, and 5,577 in 1884. The average cost of commissions for local enquiry is lower than in the two preceding years. That of commissions for the examination of accounts was wrongly shown as Rs. 4-11-0 for 1883 owing to an error in certain District returns, discovered after the submission of the Report.

The Amritsar District shows the highest number of commissions issued (513), and also the highest average cost, except Simla, where the average on 10 commissions issued was Rs. 22-4-8. In Amritsar 350 commissions were issued under Section 392, Civil Procedure Code, at an average cost of Rs. 5; and 163 under Section 394, at an average cost of Rs. 12. Hoshiarpur comes next in point of numbers (437); but the averages of cost are only Rs. 3 and Rs. 2.

Attachment before judgment.

26. The number of cases in which property was attached before judgment is the same as in 1883—750. In only two cases was compensation awarded for improper attachment. The highest number (94) of such attachments appears in the Hoshiarpur returns, while the neighbouring District of Jullundur, with very nearly the same amount of civil litigation, shows only 8. The number in Simla (60) is high in comparison with the number of civil institutions; but the circumstances of the District are peculiar. District and Divisional Judges should continue to watch the action of subordinate Courts in the exercise of this power, which is very liable to abuse.

Decrees bearing interest.

27. The subject of decrees bearing interest was discussed at some length in the Report of 1883; and it was noted that, since the action of individual Courts had been closely watched, and the matter generally had received attention, there had been a steady decrease in the number of such decrees. The figures of the last three years are as follows:—

| Number of cases in which interest was allowed on amount decreed. | 1882 | 1883 | 1884 |
|---|---|---|---|
| By consent ... | 3,865 | 2,718 | 1,636 |
| Without consent ... | 570 | 370 | 347 |
| Total ... | 4,435 | 3,088 | 1,983 |

The decrease shown by these figures is very marked. It was mentioned in the Report of 1883 that a Circular had been issued with a view to removing the erroneous impression that, when a rate of interest had been fixed by consent of

parties, the Court was bound to accept this and to decree accordingly; and it is likely that these instructions have had their effect in the year under report, causing a great fall in the number of cases in which interest has been allowed according to the agreement of parties.

The three Districts noted in the margin show the most remarkable decreases in the number of cases in which decrees carried interest. It was the action of the Shahpur Courts which first brought the matter into prominence, the Commissioner Rawalpindi reporting that certain of them were in the habit of passing decrees bearing excessive rates of interest. Detailed information on the subject was supplied in the Court's letter No. 1468, dated, 7th June 1884. The Delhi District contributes 551, or nearly 28 per cent of the whole number of decrees in which interest was allowed; and the following figures of decrees bearing interest by consent are also high:—

| District. | No. of decrees bearing interest. | |
|---|---|---|
| | 1883 | 1884 |
| Shahpur ... | 237 | 15 |
| Lahore ... | 335 | 61 |
| Muzaffargurh ... | 231 | 83 |

| | |
|---|---|
| Gurgaon ... ... ... | 232 |
| Hissar ... ... ... | 142 |
| Rohtak ... ... ... | 105 |

The matter has not been mentioned in the reports of any one of these four Districts; but it is hoped that it will now receive attention.

In the following Districts the average rate of interest allowed was highest:—

(1) By consent—

| *District.* | *No of decrees* | *Rate of interest per cent per annum* |
|---|---|---|
| Ferozepur ... ... | 6 | 14 |
| Kangra ... ... | 12 | 14 |
| Simla ... ... ... | 18 | 14 |
| Ludhiana ... ... | 65 | 13 |
| Sialkot ... ... | 17 | 13 |

(2) In Sialkot an average of 12 per cent was allowed on 4 decrees without an agreement between the parties; and in Kohat, 10 per cent was allowed on 5 decrees. In no other District did the rate allowed by the Court exceed 6 per cent.

Pending files.

27. If cases under Section 99A, Civil Procedure Code (in which a Plaintiff has been allowed time to obtain information as to a defendant on whom the Court has been unable to serve a summons) be deducted, the pending file consisted of 19,026 cases as against 15,571 at the close of 1883; and the number of cases pending over three months has risen from 538 to 729. The increase in the number of cases pending is not satisfactory; but it is spread over almost all the Districts of the Province, and no good reasons are assigned for it, although it is said by some District Judges to be due in some way or other to the Reorganization scheme. It is most marked in the Courts of superior grade. The number of original cases pending in the Courts of Deputy Commissioners and Judicial Assistants at the close of 1883 was 430 (100 more than 3 months old), while at the end of 1884 there were 845 cases (186 more than three months old) on the files of District Judges and Subordinate Judges with appellate powers. Sialkot shows the highest pending file (1,348 for 1884 and 1239 for 1883); and Rawalpindi (1,241 for 1884 and 948 for 1883) comes next. The highest number of cases pending over three months in any district occurs in Delhi (86).

The oldest pending case was instituted on the 9th of June 1882 (in the Delhi District). The returns of Simla, Lahore, Shahpur, and Kohat show cases instituted in 1883.

28. The averages of duration were 32 days (33 in 1883) in contested cases, and 20 days (21 days in 1883) in uncontested. The Districts noted in the margin show the highest averages in contested cases. For uncontested cases the following averages are high :—

Average duration.

| | |
|---|---|
| Amritsar | 52 |
| Rohtak | 46 |
| Gujranwala | 44 |
| Ludhiana | 41 |

| | |
|---|---|
| Sirsa | 45 days. |
| Shahpur | 33 „ |
| Bannu | 29 „ |
| Simla | 28 „ |

The averages of the following Districts were very low :—

| District. | Contested. | Uncontested. |
|---|---|---|
| Hazara ... ... | 14 | 13 |
| Lahore ... ... | 20 | 15 |
| Mooltan ... ... | 22 | 15 |

The average duration in the Courts of each grade is given in the annexed table :—

| | *Contested.* 1883. | 1884. | *Uncontested.* 1883. | 1884. |
|---|---|---|---|---|
| Deputy Commissioners' Courts ... ... | 83 | 85 | 29 | 41 |
| District Judges' Courts ... ... ... | — | 79 | — | 57 |
| Judicial and Extra Judicial Assistants' Courts | 79 | 58 | 38 | 40 |
| Courts of Subordinate Judges with appellate powers | — | 68 | — | 32 |
| Assistant and Extra Assistant Commissioners' Courts | 42 | 47 | 28 | 32 |
| District Small Cause Courts ... ... ... | 19 | 19 | 19 | 17 |
| Cantonment Small Cause Courts ... ... ... | 24 | 18 | 15 | 12 |
| Tahsildars' Courts ... ... ... | 31 | 29 | 20 | 20 |
| Naib Tahsildars' Courts ... ... ... | 22 | 25 | 17 | 16 |
| Munsiffs' Courts ... ... ... | 30 | 29 | 21 | 20 |
| Honorary Civil Judges' Courts ... ... ... | 33 | 33 | 21 | 23 |

The averages of the superior District Courts for 1884 are shown separately according to the denomination of the Courts in the first 10 and the last 2 months.

Averages in superior District Courts.

29. In the Court of the Deputy Commissioner Karnal there was an average of 146 days on 12 contested cases. For Delhi and Rohtak the figures were also high, but there were only 3 and 1 cases, respectively, tried by Deputy Commissioners in those Districts, and the whole amount of original Civil work disposed of by Deputy Commissioners was small.

The District Judge Rawalpindi disposed of 4 contested and 3 uncontested cases with averages of 207 and 138 days, and had a pending file of 38. The average number of days that the parties or either of them had to attend in this Court was 10. These figures are unsatisfactory ; and are believed to be due to changes in the office of District Judge. The averages were also high in Delhi (105 and 77), Hoshiarpur (103 and 91), and Umballa (45 and 50). In Delhi Mr. Clifford took over a very heavy pending file, and it will be some time before he is able to reduce it within proper limits. He decided 89 cases in the two months and there were still 113 cases on his file at the end of the year. The District Judge of Mooltan decided only 16 cases and left 92 pending, so that his low averages (28 and 15 days) do not really indicate that his work was very rapidly disposed of; but for some portion of the time he was officiating as Deputy Commissioner, and could not therefore devote much time to his Civil work.

The Subordinate Judge, with appellate powers of Rohtak disposed of 52 cases on an average of 106 days, but he left only 1 case on his file; and the average was also high in the Gujrat Court, 117 days for 45 contested cases (28 left pending). Otherwise the results for the Superior Courts are satisfactory.

Averages in other District Courts.

30. The average duration in the Courts of the Assistant Commissioners and Extra Assistant Commissioners was somewhat higher than in 1883, *viz.* 47 and 32 days against 42 and 28. The averages for Amritsar were most unsatisfactory (114 in contested and 51 in uncontested cases) considering the large number of cases decided. The next highest figures were in Delhi and Jullundur (contested cases 59 days); but there was little difference between the figures of these two and the remaining Districts. The unsatisfactory state of the Criminal work of the Amritsar head-quarters Courts has, it may be remarked, been the subject of comment in the Reports of the last two years. The average duration in contested cases tried by Assistant Commissioners and Extra Assistant Commissioners was below 30 days in Hazara (16), Kohat (18), and Dera Ghazi Khan (29); and between 30 and 40 in five more Districts.

In District Small Cause Courts the averages were the same as in 1883, and were highest in Simla.

For Tahsildars' Courts the averages were almost exactly the same in both years. The Karnal figures (53 in contested, and 29 in uncontested cases) are very high; and they are also high in Amritsar and Rawalpindi.

| District. | Contested. | Uncontested. |
|---|---|---|
| Rohtak ... | 46 | 24 |
| Ludhiana ... | 40 | 23 |
| Gujranwala ... | 42 | 21 |

The average duration in Munsiffs' Courts showed a fall of 1 day which is satisfactory. The Amritsar Courts (50 and 21 days) have the highest figures; and the Districts noted on the margin also show unfavorably. In none of these is there any special press of work.

Average number of attendances.

31. The parties or one of them had to attend Court on an average 5 times in the Rawalpindi District; and on an average 4 times in Jullundur and Peshawar. In no other District did the average exceed 3.

## F.—Agency Employed in Districts.

Distribution of original Civil suits decided between the various grades of Courts.

32. The annexed Table shows the manner in which the original Civil suits decided were distributed between the various grades of Civil Courts in the Province.

| Number of Officers. | | | Grade of Officers. | Original suits decided. Number. | | | Original suits decided. Percentage. | | | Average number of cases decided by Officers of each grade. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1882 | 1883 | 1884 | | 1882 | 1883 | 1884 | 1882 | 1883 | 1884 | 1882 | 1883 | 1884 |
| | | | Dy. Comrs. and District Judges ... | 229 | 127 | 484 | 0·1 | 0·1 | 0·2 | | | |
| | | | Judl. Assts. and Sub-Judges with appellate powers ... Europeans, | 1,458 | 1,602 | 1,280 | 0·5 | 0·6 | 0·5 | | | |
| | | | Judl. Assts. and Sub-Judges with appellate powers ... Natives ... | 3,950 | 2,406 | 1,456 | 1·5 | 1·0 | 0·5 | | | |
| | | | Assistant Commissioners ... | 6,620 | 6,000 | 5,699 | 2·5 | 2·2 | 2·2 | | | |
| | | | Extra Assistant Commissioners, Europeans ... | 3,223 | 4,019 | 3,469 | 1·2 | 1·5 | 1·3 | | | |
| | | | Extra Assistant Commissioners, Natives ... | 33,349 | 28,286 | 24,455 | 12·3 | 10·4 | 9·0 | | | |
| 123 | 125 | 125 | Tahsildars ... ... | 31,839 | 30,068 | 28,746 | 11·8 | 11·1 | 10·6 | 259 | 241 | 232 |
| 24 | 18 | 15 | Naib-Tahsildars ... ... | 5,355 | 3,696 | 2,356 | 2·0 | 1·3 | 0·9 | 223 | 205 | 157 |
| 74 | 78 | 84 | Munsiffs ... | 151,588 | 164,147 | 171,651 | 56·2 | 60·2 | 63·2 | 2,048 | 2,104 | 2,043 |
| 50 | 49 | 47 | Honorary Civil Judges ... | 11,613 | 10,368 | 9,701 | 4·3 | 3·7 | 3·5 | 232 | 212 | 206 |
| 4 | 4 | 4 | Judges of Dist. S. C. Courts ... | 13,426 | 14,071 | 14,097 | 5·0 | 5·1 | 5·2 | 3,357 | 3,518 | 3,524 |
| 8 | 9 | 9 | Judges of Cantt. S. C. Courts ... | 7,123 | 7,811 | 7,962 | 2·6 | 2·8 | 2·9 | 890 | 868 | 885 |
| | | | Total ... | 269,773 | 272,601 | 271,875 | | | | | | |

33. The Courts invested with appellate powers disposed of 1·2 per cent of the original work in 1884, and 1·7 in 1883. Extra Assistant Commissioners disposed of 10·3 per cent of the work in 1884 and 11·9 in 1883; but this decrease was to be expected from the measures taken to strengthen the subordinate agency by an increase in the number of Munsiffs at the end of 1883, and the transfer of certain classes of cases to the Revenue Courts in 1884.

Disposal by superior District Courts.

34. Tahsildars and Naib Tahsildars are shown as having disposed of 11·5 per cent of the whole number of civil suits, the figures for 1883 and 1882 being 12·4 and 13·8. The decrease is due to the causes mentioned at the close of the preceding para. Towards the end of 1883 the number of Munsiffs was increased from 74 to 84, and the full number have been at work during the whole year under report. The changes introduced by the Courts Act have already been referred to in Section A. Tahsildars will in future dispose of a large number of Revenue cases, which will not appear in the Chief Court Returns. In the new arrangements for the distribution of judicial work, which will be explained presently, an average total of 600 cases of all kinds (Criminal, Civil and Revenue) has been allotted to each Tahsildar; but it has been laid down that the number should, as far as possible, be made up of Criminal and Revenue cases, so that the proportion of civil work done by Tahsildars in future years must be much smaller than it has hitherto been.

Disposals by Tahsildars.

| Tahsil. | Number of civil cases decided. |
|---|---|
| Murree ... ... | 539 |
| Hamirpur (Kangra) ... | 499 |
| Muktsar . | 467 |
| Kulu ... ... ... | 454 |
| Lahore ... .. | 370 |
| Isa Khel (Bannu) ... ... | 369 |

The number of regular civil cases decided by the Tahsildars of the Tahsils noted in the margin was high. A Munsiff has now been stationed at Muktsar, and the Sharakpur Munsiff, whose work was light, has now been brought into Lahore to help the single Munsiff stationed there, so that relief has already been given to these two Tahsildars. Special local circumstances justify the remaining high figures.

35. As already stated the number of Munsiffs was raised in 1883 from 74 to 84; and this will account for the increased percentage of cases decided by this grade of Court. In the year under report they disposed of 63·2 per cent of the whole number of civil suits decided. The average number of regular suits decided by each Munsiff is 2,043; and in 1882, when 74 Munsiffs were working for the whole year, it was 2,048. On the introduction of the Reorganization scheme several transfers of Munsiffs were made from stations where they were not fully employed to others where experience had shown that assistance was required. It is, therefore, not necessary to examine in detail the figures for separate Districts. Any irregularities of distribution that may have remained will receive attention as they are brought to notice.

Disposals by Munsiffs.

36. Honorary Civil Judges disposed of 3·5 per cent of the whole original Civil work of the Province, as against 3·7 in 1883, and 4·3 in 1882. The greater part of the work was done by the gentlemen mentioned in the annexed table:—

Honorary Civil Courts.

| District. | Name of Judge. | Powers. | Cases disposed of. |
|---|---|---|---|
| | | Rs. | |
| Amritsar ... ... | Sardar Ajit Singh ... ... ... | 5,000 | 1,581 |
| Sialkot ... ... | Sardar Dyal Singh ... ... ... | 500 | 663 |
| Gujranwala ... ... | Raja Harbans Singh ... ... ... | 100 | 630 |
| Ferozepore ... ... | Sodhi Man Singh . ... ... | 5.000 | 627 |
| Gujranwala ... ... | Sardar Mehtab Singh ... ... ... | 50 | 514 |
| Ferozepore ... ... | Sodhi Indar Singh ... ... ... | 500 | 481 |
| Kangra ... ... | Raja Amar Chand ... ... ... | 500 | 442 |
| Ferozepore ... ... | Sodhi Rajindar Singh ... ... ... | 100 | 379 |
| Gurgaon ... ... | Muhammad Siraj-ud-din ... ... ... | 500 | 313 |
| Kohat ... ... | Nawab Sir Khwaja Muhammad Khan, K.C.S.I. | 500 | 281 |

Sirdar Ajit Singh again heads the list, and the other details of the statement differ but slightly from those of 1883.

Small Cause Courts

37. District Small Cause Courts disposed of 5·2, and Cantonment Small Cause Courts of 2·9 per cent. of the original civil work of the Province, the figures of the last three years being almost the same. The work of these Courts will be considered in detail in a subsequent section.

General remarks on the distribution of Civil work.

38. In paras. 9-11 of this Report the distribution amongst the various grades of Courts of civil suits of each of the three classes in which they have been arranged in the statement in para. 8 has been already noticed. The following table is a *resumé* of the information there given as respects the institutions of 1884 :—

| Grade of court in which instituted. | Percentage of | | |
|---|---|---|---|
| | I. Suits for money or moveables. | II. Tenancy suits. | III. Other suits. |
| Superior Courts of general jurisdiction ... | 9 | 21 | 34 |
| Small Cause Courts ... | 10 | . | ... |
| Tahsildars' and Naib-Tahsildars' Courts | 6 | 49 | 29 |
| Munsiffs' Courts ... | 71 | 29 | 35 |
| Honorary Civil Courts ... | 4 | 1 | 2 |
| Total ... | 100 | 100 | 100 |

The revenue jurisdiction created by the new Courts Act has already been referred to several times; and its probable effect in removing from the Civil Courts certain classes of suits has been explained. It appears only necessary to add that the pecuniary limit of jurisdiction of Munsiffs has been raised from Rs. 300 to Rs. 500; while that of Tahsildars has been reduced to Rs. 100, as the lower limit was considered quite sufficient to give them the smaller number of civil suits which they will now have to try in addition to revenue cases.

When on duty last summer in connection with the Reorganization scheme, Mr. G. W. Rivaz drew up tables showing the judicial staff of each District, and the amount of judicial work which was expected, according to calculations based on the returns of past years, to fall on each officer. Copies of these tables with extracts from Mr. Rivaz's explanatory remarks, have been circulated to all Divisional and District Judges to assist them in controlling the distribution of civil work amongst the subordinate Civil Courts. The following passage from the general remarks will explain clearly the principles on which the details of the distribution have been arranged.

"The members of the committee recently held at Simla, and the Judges of the Chief Court agree in Colonel Davies' opinion that Tahsildars must ordinarily take up an average of 600 judicial cases per annum, including criminal as well as civil cases. It is also agreed that 2,200 small causes per annum are a moderate amount of work for a Munsiff and that, when necessary, the number may be raised to 2,500; that an Assistant Commissioner or Extra Assistant Commissioner, whose time is chiefly devoted to Judicial work, ought to be able to dispose of from 960 to 1,200 cases a year; and that, except in Districts where the Treasury work is unusually heavy, the Treasury Officer should be able to dispose of 600 Judicial cases a year, in addition to his Treasury work. As far as possible, Tahsildars have been given Criminal and Revenue, rather than Civil and Revenue cases. Regarding Munsiffs' work it need only be said that, in accordance with the views of the Committee and the Chief Court, one *other suit* has been reckoned as equal to two *small causes*."

In most Districts it has been found possible to allot to Munsiffs only *small causes*; and the total number of *other suits* assigned to them is not considerable. On the other hand Tahsildars have been given comparatively very few *small causes*.

The distribution above referred to, is the result of Mr. Rivaz's many years' experience as Registrar of the Chief Court, and embodies all the arrangements that have from time to time been made for individual Districts.

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## F.—MISCELLANEOUS CASES.

Institutions of miscellaneous cases under the Code of Civil Procedure in District Courts.

39. The following abstract from Statement No. 2 (Part II) appended to this Report, shows the variations under the principal heads of miscellaneous cases under the Code of Civil Procedure instituted in District Courts during the last two years :—

| Nature of the Case. | 1883. | 1884. |
|---|---|---|
| Plaints rejected or returned without registration ... ... | 5,596 | 5,642 |
| Applications for restoration to the file of a suit or appeal dismissed on default, or decreed *ex-parte* (Secs. 99, 103, &c.) ... ... | 13,249 | 14,721 |
| Objections with regard to attached property (Secs. 278 and 487) ... | 13,360 | 13,960 |
| Applications for permission to sue as a pauper (Sec. 401) ... | 1,315 | 1,314 |
| Applications for review of judgment (Sec. 623) ... ... | 2,219 | 2,280 |
| Other cases ... ... ... ... ... | 1,055 | 964 |
| Total .. ... ... | 36,794 | 38,881 |

In the Jhelum District Statement No. II of 1883, 413 cases which ought to have appeared in column 4 of General Statement No. 2 (Part II) were entered in column 3, and 283 cases were similarly transferred from column 5 to column 4, thus vitiating the details shown in these three columns, but not the general totals. The error has been corrected in the abstract above.

Details of the above Statement.

40. The increase is chiefly noticeable under the heads of applications under Secs. 99, 103, 108, 558 and 560 for restoration of a suit or appeal dismissed on default, or decreed *ex-parte*, and "objections with regard to attached property." The figures under the former head have already been examined in paras. 19 and 21.

Applications for permission to sue or appeal *in formâ pauperis*, show a slight decrease. They were, as in previous years, most numerous in the Ludhiana (181) and Peshawar (118) Districts.

Petitions for review of judgment rose from 2,219 to 2,280. They were most numerous in the Amritsar and Sialkot Districts. Of the 246 applications in Amritsar, 181 were filed in the Small Cause Court, and of 194 in Sialkot, 132 were instituted in the Courts of Munsiffs.

The following comparative Statement shows the results of the applications for review of Judgment in 1883 and 1884 :—

| Year. | Rejected. | Granted. | | Pending at the end of the year. |
|---|---|---|---|---|
| | | Former order upheld. | Former order reversed or modified. | |
| 1883 ... ... | 1,170 | 544 | 531 | 119 |
| 1884 ... ... | 1,161 | 502 | 569 | 167 |

Owing to the error mentioned at the commencement of this para. applications for the withdrawal or transfer of a suit or appeal were shown in 1883 as 705 instead of 292. The number for 1884 is 299. Proceedings were taken under Sections 174 and 643 of the Civil Procedure Code in 81 cases, the number in 1883 being 128. Of these the Rawalpindi District contributes 22, and Hazara 12.

Proceedings for redemption and foreclosure of mortgage.

41. There were in all 2,544 miscellaneous cases not connected with the Code of Civil Procedure, as against 2,474 instituted in 1883. Cases regarding redemption and foreclosure of mortgages (Regulation I of 1798 and XVII of 1806) have increased from 1,409 to 1,430, and were most numerous in the same Districts as were noted in para. 45 of last year's Report.

| District. | 1884. | 1883. |
|---|---|---|
| Rohtak ... ... | 218 | 175 |
| Umballa ... ... | 180 | 186 |
| Gujranwalla ... ... | 171 | 189 |
| Hissar ... ... | 129 | 139 |
| Gurgaon ... ... | 120 | 104 |

| | |
|---|---|
| 1880 ... ... | 810 |
| 1881 ... ... | 942 |
| 1882 ... ... | 1,211 |
| 1883 ... ... | 1,409 |
| 1884 ... ... | 1,430 |

The number of cases of this class has been steadily increasing, as will be seen from the figures of the past five years noted in the margin.

Proceedings connected with guardianship of minors, intestate property, &c.

42. The number of applications for certificates of guardianship of minors or of administration of their property under Acts XL of 1858 and IX of 1861 show an increase from 375 to 417. Applications under these Acts were most numerous in Lahore (60), Peshawar (38), and Jullundur (33). There were only 10 applications regarding the care of lunatics. Applications under Act XXVII of 1860 for certificates enabling the holders to collect debts due to the estates of deceased persons numbered 547, against 525 in 1883, and 620 in 1882. The Districts in the margin show the highest figures. The exceedingly small number of applications of these classes in proportion to the population was the subject of remark in para. 11 of the Review of last year's Report; and the Judges have already communicated their views in the matter to Government.

| | |
|---|---|
| Lahore ... .. | 91 |
| Delhi ... ... | 47 |
| Dera Ismail Khan .. | 42 |
| Amritsar ... ... | 40 |

Thirty-two applications were made for probates and letters of administration under Act X of 1865 as compared with 39 in 1883.

Details of disposal of miscellaneous cases in District Courts.

43. Including 1843, cases pending from 1883, there were 43,776 miscellaneous cases of all kinds for disposal by District Courts; and of these 41,660 cases were disposed of in the manner following :—

| | | |
|---|---|---|
| Without trial | ... ... | 12,687 or 30 per. cent. |
| Without contest | ... ... | 4,913 „ 11·7 „ |
| With contest | ... ... | 24,060 „ 58 „ |

The above results, when compared with those of the preceding year, show an increase in the proportion of cases disposed of without trial, and a decrease in the proportion of contested cases.

The pending file was heavier by 273 cases at the end of the year. The largest pending files were in the Ludhiana (209) and Jullundur (197) Districts.

The average duration of contested cases was 19 days, or 1 day higher than in 1883; and of uncontested cases 12 days, as in the previous year. The oldest case on the file at the end of the year was instituted in the Delhi District on the 2nd May 1884.

Miscellaneous cases in Divisional Courts.

44. There were 304 Miscellaneous cases for disposal by Divisional Courts in 1884. Of these 296 were disposed of, leaving a balance of 8 pending at the close of the year, of which three had been pending for more than 3 months. The averages of duration were 100 days for contested cases, and 11 days for cases decided without contest.

The description of cases dealt with is shown below :—

| | *Number.* |
|---|---|
| Memoranda of appeal rejected or returned ... | 161 |
| Applications under Sections 558 and 560 for the restoration to the file of an appeal dismissed on default or decided *ex-parte* ... ... ... ... | 29 |
| Applications for permission to appeal as a pauper ... | 56 |
| Applications for review of judgment ... ... ... | 27 |
| Cases under the Land Acquisition Act, 1870... ... | 31 |
| Total ... | 304 |

## E.—Execution of Decrees.

General statement of results of execution-proceedings in 1884.

45. The annexed comparative statement shows by Districts the details regarding the execution of decrees during the past two years.